

## **§ 1413.105**

### **§ 1413.105 Eligibility.**

(a) The certified seed incentive payment and the production incentive payments are available to eligible producers under § 1413.101(b) and (c) for any or all of the years 2003 through 2005. Producers are eligible to receive both the certified seed and production incentive in the same year. Where an acre of land receives both the certified seed incentive and production incentive payment in the same year, only one acre shall be counted under the total 2,000,000 acreage limitation of § 1413.101(a).

(b) To be eligible to receive the certified seed incentive payment, a producer must:

(1) Submit a complete application during the application period.

(2) Submit a receipt for the purchase of certified seed to FSA.

(c) To be eligible to receive the production incentive payment, a producer must:

(1) Submit a complete application during the application period.

(2) Produce hard white wheat of the quality required under § 1413.106;

(3) Have an interested buyer with the intent to use the wheat for all purposes except for feed use.

[68 FR 5207, Feb. 3, 2003, as amended at 68 FR 16185, Apr. 3, 2003]

### **§ 1413.106 Quality.**

The hard white wheat must be grade #2 or higher under the grading standards, established by the Federal Grain Inspection Service (FGIS).

### **§ 1413.107 Availability of funds and maximum eligible acreage and production.**

The total available program funds for the 2003 through 2005 crop years is \$20 million. To ensure that funds are available for each of the 2003 through 2005 crop years, payments may be factored based on total eligible producers for any year the eligible payments exceed the total funds available to be spent. The maximum hard white wheat acreage and production for which payments may be issued for the 2003 through 2005 crop year is to total 2,000,000 acres, or 120,000 bushels, whichever is greater. The certified seed incentive may be

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discontinued, as determined by the Deputy Administrator, in any year sufficient funds are determined to be unavailable.

### **§ 1413.108 Applicant's maximum payment quantity.**

(a) The maximum payment quantity of hard white wheat for which an applicant may be approved under the production incentive payment for any year shall be the smaller of:

(1) The actual number of bushels harvested from the acres certified on the application; or

(2) The product of:

(i) The number of acres certified on the application;

(ii) Times 60 bushels per acre.

(b) [Reserved]

### **§ 1413.109 Calculation of assistance.**

(a) Payment for the production incentive shall be the product of:

(1) The bushels determined in accordance with § 1413.108

(2) Times \$0.20.

(b) Payment for the certified hard white wheat planting incentive shall be the product of:

(1) The number of acres certified on the application;

(2) Times \$2.00 per acre.

### **§ 1413.110 Offsets and withholdings.**

CCC may offset or withhold payments approved under this part in accordance with part 1403 of this chapter.

### **§ 1413.111 Assignments.**

Persons entitled to a HWWIP payment may assign their rights to such payments in accordance with part 1404 of this chapter.

### **§ 1413.112 Appeals.**

Any producer who is dissatisfied with a determination made pursuant to this part may request reconsideration or appeal such determination in accordance with parts 11 and 780 of this title.

### **§ 1413.113 Other regulations.**

(a) The provisions of part 12 of this title, and the controlled substance provisions of part 718 of this title apply to payments made under this part.

(b) The payment limitation provisions of part 1400 of this title shall not